

**City of New Castle Delaware
Regular Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday – March 11, 2014 – 7 p.m.**

Call to order: 7 p.m.

Roll Call:

Councilperson Megginson
Councilperson Cochran
Council President Ratchford
Councilperson Petty
Councilperson Vannucci

Also present:

Donald Reese, Mayor
Janet Carlin, City Treasurer
Daniel Losco, City Solicitor
Jeff Bergstrom, Building Official & Fire Marshall
Chief Tjaden, Department of Public Safety
William Barthel, City Administrator
Nicole Poore, Senator

Approval of Minutes by Date: 2/11/14: Reg. Mtg., 2/19/14: Sp. Mtg., 2/19/14: Pub. Hearing.

Councilperson Cochran motioned and Councilperson Vannucci seconded approval of the minutes without changes. The motion passed unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported on the balances of the city's accounts as of February 28, 2014. The total cash on hand in all accounts is \$2,592,846.50.

Councilperson Petty motioned to accept the report and Councilperson Cochran seconded. The council unanimously accepted the report.

Approval of Staff Reports

The staff had no additions to their reports as filed and the Council accepted the staff reports as presented.

Grant Review

Councilperson Cochran reviewed the grant receipts for February 2014.

Communications

None

Business from the Floor

None

Business from the Mayor

Mayor Reese attended the Mayor's Ball in Delaware City with other residents of New Castle.

The Mayor was in Delaware City again last night to attend a meeting regarding the shipment of crude oil by rail.

Tonight, the Mayor is presenting Faythe Waterloo to City Council for approval as his appointee to the City's Board of Health

Jeff Lank will report later in the meeting of the Jaycees work on Separation Day plans. They will welcome help from any volunteers that would like to be involved.

The Mayor was interviewed earlier today by the New York Times regarding retiring in New Castle.

Business from the Council President

President Ratchford recognized the New Castle Register of Wills, Ciro Poppiti.

President Ratchford introduced our State Senator, Nicole Poore to provide an update on the dikes. The Senator reported that repair of the dikes is a top priority for her and our State Representative, Mike Mulrooney.

Red Lion and Army Creek Dikes – will be ready for inspection in June

Gambacorta Dike – 85% complete

Buttonwood Dike – two weeks behind due to soil testing, but 70% complete

Broadmarsh Dike – 15% complete due to weather delays.

The Senator participated in a meeting on Railcar Safety in Delaware City last night. There were 200 people in attendance and more than 50 questions were asked. The staff is putting the questions and answers together in a document.

Senator Poore asked the resident's reaction to the Governor's proposal to raise the Gas Tax. She was surprised to find some people in favor of the tax. Members of the Senate and House will present other ideas and options to balance the budget.

New Business

Rail Safety Update

Herman Seedorf, a Vice President of PBF Energy, that operates the Delaware City refinery spoke about the company and their operations. It is a public company that currently owns three refineries. They have been in the refining industry for a long time and work closely with legislators and unions to make the Delaware City refinery a long-term asset. The facility was shut-down by the previous owners with the intention not to restart. The new company values safety, reliability and environment and they are pleased to have been able to make improvements to the facility and restart refining operations. The original business model was to bring in raw materials through water vessels. Since

that time, the crude business has changed. The recognition of the availability of crude oil in North America changed the whole resource picture. The only viable business model for refining on the east coast is rail delivery from the mid-western US and Canada.

The refinery partnered with Savage Services for their expertise in loading, moving and unloading rail cars. They had been moving other products by rail so they already had a partner in Norfolk Southern.

When they bought the refinery they missed the most valuable asset in Delaware City – the land. It has allowed them to build a new rail facility on site with an investment of over \$100M. They bought 5,900 new cars that meet new standards with more safety features and integrity and have had 3,099 delivered. As of April 1st, no light crude from the mid-west, Texas and Ohio may be brought into the facility except in cars that meet the new standards. Heavy crude from Canada must also be delivered by new cars effective June 30th.

Scott Muir of Norfolk Southern Government Relations also spoke about the use of rail by the refinery. The company is a publicly traded freight rail company that operates east of the Mississippi River. They pick up crude from mid-western railroads. They own the track, the rails and the facilities. Coal, grain and chemical producers are their main customers. Their main hub is Harrisburg, PA. They use their own rails plus Amtrak along the east coast.

Rail cars carrying Hazmat materials are designated as “key” cars with a maximum speed of 30 MPH. Four derailments have occurred recently, resulting in ramped up oversight of freight railroads by Federal regulatory agencies. The railroads were given 30 days by DOT to upgrade safety.

President Ratchford reported that DelDOT is working on improvements for five crossings. In New Castle, they will be re-grading and adding lights and barriers to two crossings. Norfolk Southern patrols their tracks on a weekly basis and conducts major inspections two times per year.

Senator Poore reported that DelDOT is working on an app that will show train movements through intersections.

Norfolk Southern reached out to first responders regarding their ability to respond in emergencies when trains are blocking the intersections.

Bobby Byrd of the State Emergency Response Commission reported on legislation regarding the citizens’ right to know about chemicals in plants and on the roads. For the last 25 years, the Commission has consisted of planning committees that work with emergency responders to talk about issues.

Tim Moore of Goodwill Fire Company talked about the training the emergency responders received specific to possible incidents with train cars. They are Hazmat

trained and other resources are available in the area. Specially trained environmentalists will handle spills and a management team would take over to insure proper clean-up.

Councilperson Cochran asked about the speed of the trains. Mr. Muir responded that 30 MPH is the maximum in Delaware and is dependent upon the weight and other factors.

Councilperson Vannucci asked how many trains per day go to the refinery. Mr. Muir responded that there are 16 regional trains per day in area. There is no set schedule or pattern. On average, three are loaded and three are empty for PBF. Councilperson Vannucci asked how many cars make up each train? The answer is 50 to 80. Mr. Moore stated that if something happened at Wilmington Road, it would block roads to Washington Street.

Goodwill Fire Company has five full-time employees and someone is there 24 hours per day.

Councilperson Petty inquired about what she should do if a train derails? Tim Moore advised to call 911. The dispatcher will ask questions to evaluate the situation and will tell the caller to go to a safe area. If needed, they will direct residents to safety through reverse 911 or through knocking on doors.

Councilperson Petty asked what happens if crude spills? Are there fumes or fire? Mr. Seedorf said that the crude is flammable and contaminants are in the raw material. The refining process makes it safer and removes contaminants.

Resident Bill Boyle asked how long it takes for the trains to go through the road crossing? The response is that the train is about a mile long and at 10 MPH it takes about 8 to 10 minutes to cross and at 30 MPH takes about 2 minutes.

Senator Poore reported that a study showed most trains take 6 minutes at Route 9 and rarely take more than 10 minutes. Mr. Muir offered his phone number if there are traffic or other problems: 202-297-6067.

Tim Moore added that just like tractor trailers, there are signs on the side of freight rail cars that tell them the contents and how to respond.

Resident Dorsey Fiske asked for clarification of the 100 car maximum for crude and 50 for manifest trains? Mr. Muir replied that manifest trains are regular freight. Any train with more than 20 cars carrying crude is designated as a "key" train.

Motion, Discussion and Vote on Resolution No. 2014-15 to approve a minor subdivision for properties located at 46 & 52 West Third Street - tax parcel numbers 21-015.30-150 and 21-015.30-151.

The Motion to approve Resolution No. 2014-15 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2014-15 passed unanimously.

Discussion on resident request for Council to consider a waiver to the noise ordinance; Chapter 166 of the City Code.

The City Administrator was approached by Glenn Rill in regard to Immanuel Church being cited for blowing snow early in the morning (3 am). Code enforcement officer, John Lloyd told Mr. Rill that the City Administrator could grant a waiver. Mr. Barthel reported that he is not inclined to grant a waiver due to the separation of Church and State and that he would have to grant waivers to everyone.

Mr. Rill reported that the snow removal was done one time in the middle of the night and when he found out they were told to stop. The noise ordinance is 7 a.m. Monday through Saturday but 9 a.m. on Sunday. The church needs to remove snow in time for services and asks for a waiver. Their contractor advised that it takes 3 hours to clean up for a 6-inch snow fall. Mr. Rill thinks that the 9 a.m. ban on noise is an unreasonable hardship for churches and impacts their ability to make it safe for staff and parishioners. The city is exempt and plows all night.

City Solicitor Losco advised that Mr. Rill is applying an incorrect subsection of the code and read the appropriate subsection which prohibits noise from 8 p.m. to 7 a.m. daily.

Councilperson Cochran suggested that when the State or City shuts down, the service could be delayed.

Resident Suzanne Souder said that the request for the waiver is not for anything but snow blowers.

Resident William Gatter who filed the complaint reported that they were not using snow blowers but rather leaf blowers. It was a Monday morning not Sunday morning in preparation for church services. He tried to speak to the contractors about the noise, but they refused to stop.

Resident Bill Boyle suggested that they use shovels instead of snow or leaf blowers.

Resident Marie Gatter expressed her agreement with the City Administrator on the application of the Separation of Church and State.

President Ratchford asked if the ordinance would need to be changed to cover everyone and would have to allow snow removal equipment between 8 p.m. to 7 a.m.? City Solicitor Losco stated that his opinion is that everyone would need to be covered.

President Ratchford asked the Council Members for their opinion on granting a waiver:

Councilperson Megginson: no
Councilperson Cochran: no
Councilperson Petty: passed on commenting
Councilperson Vannucci: don't change the ordinance
President Ratchford does not recommend a change in the ordinance.

Pastor Nancy Rollins asked why Sunday is different. City Solicitor Losco said he doesn't know, but the ban on Sunday only applies to construction noise and is unrelated to snow removal.

Motion, Discussion and Vote on Resolution No. 2014-16 to replace resolution 1998-05 to simplify check writing procedures.

The Motion to approve Resolution No. 2014-16 was made by Councilperson Cochran and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Resolution No. 2014-16 passed unanimously.

Motion, Discussion and Vote on Resolution 2014-17 to approve the Mayor's Appointment to the Board of Health, Faith Waterloo.

The Motion to approve Resolution No. 2014-16 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

Resolution No. 2014-16 passed unanimously.

Comments from the floor.

Jeff Lank of the Jaycees reported continued progress with the planning for Separation Day. He thanked the residents for their excitement and support. People are very interested in the Friday night activities.

The motion to adjourn was made by Councilperson Megginson, seconded by Councilperson Petty and passed unanimously. Council adjourned at 8:47 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle